



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AT&T CORP.,

Plaintiff,

- against -

ATOS IT SOLUTIONS AND SERVICES, INC.,

Defendant.
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21-CV-4550 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Pursuant to the discovery conference held on May 10, 2023, the Court orders as follows with respect to the several issues discussed:

1. Sanctions: AT&T's application for sanctions due to spoliation is denied as premature without prejudice to a later application at the end of fact discovery.

2. Atos' Alleged Damages: By May 31, 2023, Atos shall disclose to AT&T the name, contact information, and estimated damages for each alleged lost customer. By May 31, 2023, Atos shall also identify and produce to AT&T documents concerning Atos' claimed out-of-pocket costs.

3. AT&T's Interrogatories Nos. 8, 9, and 10: The parties shall split the cost of matching the documents Atos uploaded to the data room with the bates-labeled versions of those documents.

4. AT&T's Financial Documents and Communications: AT&T shall produce to Atos all documents to or from members of the "deal team" and "pricing team" concerning communications (regardless of whether the communication is between a member of the price team and a member of the deal team) about the scope of products

or services to be provided in connection with the NS Addendum. AT&T need not produce documents about its confidential pricing formulas or processes.

5. Additional AT&T Custodians: AT&T shall search for and produce responsive documents from four additional custodians -- Sandra Barbosa, Nancy Jennerich, Tom Pisciotto, and Todd Sherman. AT&T shall also provide to Atos a list of which individuals they ascribe from AT&T's custodian list to the so-called "deal" and "pricing" teams.

6. Highly Confidential Documents: The parties shall meet and confer on a procedure for how to handle documents designated Highly Confidential. The parties can agree to either: (1) each identify a limited number of employees who are permitted to view Highly Confidential documents, or (2) each conduct a re-review of all documents they have designated Highly Confidential and re-designate any documents that do not in good faith qualify for the Highly Confidential designation.

7. AT&T's Termination Analysis: Atos' application for disclosure of AT&T's Termination Analysis is denied. AT&T has provided sufficient information to support the Termination Analysis being protected work product.

8. Motion to Amend Briefing Deadlines: The Court grants the parties' joint request for a short extension of time for remaining briefing on Atos' motion to amend its answer and counterclaims. The deadline for AT&T to file its response to Atos' motion for leave to amend is extended to May 12, 2023. The deadline for Atos to reply is extended to June 2, 2023.

The Clerk of Court is respectfully requested to terminate the open letter motions at Dkts. 69 and 70.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: May 10, 2023
New York, New York

Copies transmitted this date to all counsel of record.